

**R. J. Set Services, Inc. d/b/a RJ/Showtime and International Alliance of Theatrical Stage Employees & Moving Picture Machine Operators of the United States and Canada, AFL-CIO.**  
Case 31-CA-17816

March 31, 1992

**DECISION AND ORDER**

BY CHAIRMAN STEPHENS AND MEMBERS  
DEVANEY AND RAUDABAUGH

On June 19, 1990, the National Labor Relations Board issued an Order adopting, in the absence of exceptions, the decision of the administrative law judge directing the Respondent, *inter alia*, to take certain affirmative action necessary to effectuate the policies of the Act. On July 25, 1991, the United States Court of Appeals for the Ninth Circuit entered its judgment enforcing in full the Board's Order.

A controversy having arisen over the amount of backpay due the discriminatees under the terms of the Board's Order on October 30, 1991, the Acting Regional Director for Region 31 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.

By letter dated January 17, 1992, counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by January 31, 1992, summary judgment would be sought. The Respondent filed no answer.

On March 9, 1992, the General Counsel filed with the Board a Motion to Transfer Case to and Continue Compliance Proceedings Before the Board and for Summary Judgment, with exhibits attached. On March 11, 1992, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on the Motion for Summary Judgment**

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent to the discriminatees.

**ORDER**

The National Labor Relations Board orders that the Respondent, R. J. Set Services, Inc. d/b/a RJ/Showtime, Los Angeles, California, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts opposite their names, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws:

John Raymond Bond	\$6,437.20
Frank Fleshman	2,626.80
Kenneth Karn	6,389.60
Gary Manning	5,880.00
Donald Sharlow	1,591.20
Gabriel Yanez	2,758.80